

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12332 of Beatrice Fuchs, pursuant to Paragraph 8207.11 of the Zoning Regulations for variances from the strict application of Sub-section 7202.1 (parking) 7606.2 (alley lots), 7615.3 (front yard), 3301.1 (lot area) 3304.1 (rear yard) and 3303.1 (lot occupancy). The applicant seeks permission to allow a second story addition and conversion of an accessory building into a dwelling creating two (2) principal buildings on one (1) lot in the R-4 District at 127 C Street, S. E., and rear of 127 C Street, S.E. (Square 733, Lot 28).

HEARING DATE: April 20, 1977

DECISION DATE: May 17, 1977

FINDINGS OF FACT:

1. The subject property is located on the south side of C Street, between First and Second Streets, S.E.
2. The site is 2,271 square feet in area and is occupied by a building which has a certificate of occupancy for five dwelling units, which is the principal building, and a two car garage, which is the accessory building.
3. The applicant proposes to add a second story to the existing garage, and use the second story as a dwelling unit. This would create two principal buildings on one record lot which do not meet the rear yard (Sub-section 3304.1), lot occupancy (Sub-section 3303.1), lot area (Sub-section 3301.1) and front yard (Sub-section 7615.3) requirements.
4. As provided by Section 7615, the applicant plans to divide the 2,271 square foot record lot into two theoretical lots in order to add the second floor to the garage as a dwelling unit.
5. The theoretical lot for the existing dwelling unit would have an area of 1,548.50 square feet requiring a 251.50 square foot (13.97%) variance from the 1,800 square foot requirement. No other variances are required for this lot.

6. The theoretical lot for the proposed additional unit would require: (1) a 1,078 square foot (59.87%) variance from the 1,800 square foot lot area per dwelling unit requirement; (2) a 3.80 square foot (0.87%) variance from the lot occupancy requirement; (3) a 20 foot (100%) variance from the rear yard requirement; (4) a five foot (25%) variance from the front yard requirement; (5) a variance from Sub-section 7202.1 which requires one parking space for each dwelling unit; (6) and a variance from Sub-section 7606.2 which requires that the alley be a minimum of thirty feet wide.

7. Entrance to the proposed additional unit on the theoretical lot would be through an alley which is only 15 feet wide.

8. The lot is similar in size and shape to the adjoining fifteen lots, which were all subdivided at one time.

9. The Municipal Planning Office, by report dated April 15, 1977 and by testimony presented at the hearing, recommended that the application be denied. The Municipal Planning Office stated that approval of the application resulting in two units on one lot would overcrowd the land and be contrary to the intent, purposes and building density of the R-4 District which requires a minimum of 1,800 square feet lot area per dwelling unit. The MPO also stated that the fifteen foot alley leading to and from the site does not provide adequate access to the rear dwelling.

10. The Capitol Hill Restoration Society, by vote of its membership on February 9, 1977, opposed the application on the grounds that "no case for exceptional hardship or practical difficulty had been made by the applicant and that the property is already excessively heavily used."

11. The Advisory Neighborhood Commission 6B, at its business meeting on February 19, 1977, voted to oppose the application on the grounds that it would increase the density in the area while reducing off-street parking.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the requested variances are area variances, requiring a showing of practical difficulty. The Board concludes that the shape of the subject property is not unique or exceptional and does not create such a


difficulty. The Board concludes that requiring strict compliance with the pertinent Sub-sections of the Zoning Regulations would not create a practical difficulty upon the owner of the property, since it is permissible to have five dwelling units in the existing building. The Board concludes that approval of the application would overcrowd the subject property and would have an adverse impact upon the neighborhood. It is therefore ORDERED that the application be DENIED.

VOTE:

4-0 (William F. McIntosh, Charles R. Norris,  
Walter B. Lewis, by proxy, and Leonard L. McCants  
to deny)

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By:

  
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STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 20 SEP 1977